



ICH 275-RCE

Applicants : FRYBERG ET AL.

Group Art Unit: 1774

Serial No. : 09/040,825

Filed : March 18, 1998

Examiner: M.R. Yamnitzky

For : RECORDING SHEETS FOR INK JET PRINTING

Date: May 20, 2005

**MAIL STOP RCE**

**Commissioner for Patents  
PO Box 1450  
Alexandria VA 22313-1450**

**PRELIMINARY AMENDMENT SUBMITTED WITH  
REQUEST FOR CONTINUED EXAMINATION**

Sir/Madame:

As indicated on the attached Transmittal Sheet, this Preliminary Amendment is being submitted simultaneously with Applicant's Request for Continued Examination in the above-identified application.

All claims pending in the application, namely 3, 4, 6-13, stand finally rejected in an Office Action dated June 7, 2002.

An Appeal Brief was filed by the Appellant on July 3, 2003 and the Examiner filed an Answer on October 8, 2003. No Reply Brief by the Appellant was filed. The Appeal was assigned Appeal No. 2004-1906,

A Decision of the Board of Patent Appeals and Interferences was mailed on September 20, 2004 reversing the Examiner's indefiniteness rejections but affirming her obviousness rejections of the claims over Kono in view of Smigo.

The Appellants filed a Request for Rehearing on November 22, 2004 asserting points of law and fact which were overlooked or misapprehended by the Board.

The Board issued their decision on March 22, 2005, stating that they did not find any of Appellants arguments convincing them of any error in the conclusion they reached in their Decision on September 20, 2004. In fact, they stated